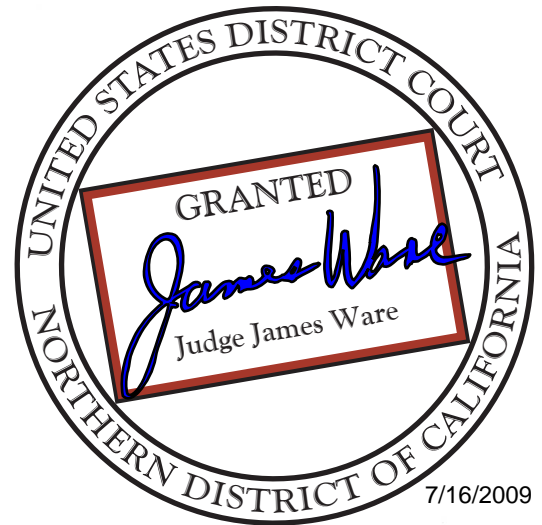


1 DAVID SOLORZANO, JR.
3 Gonzalez Drive
2 San Francisco, CA 94132
Telephone: (415) 939-3631

3 Appearing *pro se* as Plaintiff

4 BINGHAM MCCUTCHEN LLP
5 WENDY M. LAZERSON (SBN 97285)
wendy.lazerson@bingham.com
6 CARLOS P. MINO (SBN 247022)
carlos.mino@bingham.com
7 1900 University Avenue
East Palo Alto, CA 94303-2223
8 Telephone: (650) 849-4400
Facsimile: (650) 849-4800

9 Attorneys for Defendant
10 BIMBO BAKERIES USA, INC.



11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 DAVID SOLORZANO, JR.,

14 Plaintiff,

15 v.

16 BIMBO BAKERIES USA, INC.,

17 Defendant.
18

No. CV-09-1666 JW

**STIPULATION OF DISMISSAL
WITH PREJUDICE BY AND
BETWEEN PLAINTIFF DAVID
SOLORZANO, JR., AND
DEFENDANT BIMBO BAKERIES
USA, INC.**

Judge: Hon. James Ware

19 IT IS HEREBY STIPULATED AND AGREED by and between David Solorzano, Jr.,
20 ("Solorzano") and Bimbo Bakeries USA, Inc. ("BBU"), through its counsel, as follows:

- 21 1. Solorzano formerly was employed by BBU as a route sales representative;
22 2. On or about May 8, 2008, Solorzano filed a complaint against BBU with the
23 California Division of Labor Standards Enforcement ("DLSE") alleging that he was not paid
24 overtime wages under California law, was not provided with meal and rest periods, and was
25 entitled to recover "waiting time penalties" for failure to pay all wages due upon termination
26 (collectively, the "Disputed Wages");
27
28

3. On March 4, 2009, the DLSE served its decision denying the claim, and on or about March 19, 2009, Solorzano filed a Notice of Appeal of the DLSE decision in the Superior Court of the State of California for the County of San Francisco, Case No. CGC-09-486337 (the "*Solorzano State Case*");

4. On April 15, 2009, BBU removed the *Solorzano State Case* to the United States District Court for the Northern District of California and the case is currently pending as *Solorzano v. Bimbo Bakeries USA, Inc.*, Case No. C 09-01666 JW (the "*Action*");

5. Solorzano is a *pro se* Party in the Action and not represented by counsel. He understands and acknowledges that BBU's counsel does not represent him and cannot provide legal advice, and that he is entitled to seek counsel with regard to this matter;

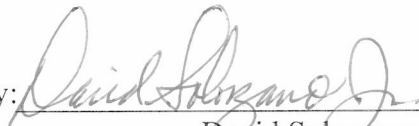
6. On or about June 30, 2009, Solorzano initiated a communication to counsel for BBU stating that he desired to dismiss the Action with prejudice;

7. Pursuant to Fed. R. Civ. P. 41(a), the action *David Solorzano, Jr. v. Bimbo Bakeries USA, Inc.*, No. CV-09-1666-JW, including all claims, is hereby DISMISSED with prejudice; and

8. Each party shall bear its own attorneys' fees and costs.

DATED: July 8, 2009

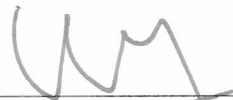
By:



David Solorzano, Jr.
Plaintiff

DATED: July 14, 2009

By:

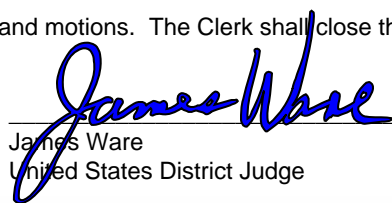


Wendy M. Lazerson
BINGHAM MCCUTCHEN LLP
Attorneys for Defendant
BIMBO BAKERIES USA, INC.

IT IS SO ORDERED:

The Court terminates all pending deadlines hearings and motions. The Clerk shall close this file.

Dated: July 16, 2009



James Ware
United States District Judge

PROOF OF SERVICE

I am over 18 years of age, not a party to this action and employed in the County of San Mateo, California at 1900 University Avenue, East Palo Alto, California 94303-2223, U.S.A.. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service and correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

Today I served the attached:

STIPULATION OF DISMISSAL WITH PREJUDICE

by causing a true and correct copy of the above to be placed in the United States Mail at East Palo Alto, California in sealed envelope(s) with postage prepaid, addressed as follows:

David Solorzano, Jr.
3 Gonzalez Drive
San Francisco, CA 94132

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made and that this declaration was executed on July 14, 2009.



Mary F. Maggini